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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/082,703 | 02/25/2002 | Roberto Furia | 8240-11 | 5318 |
| 7590 | 12/01/2005 | | EXAMINER | |
| Woodard, Emhardt, Naughton, Moriarty and McNett Bank One Center/Tower 111 Monument Circle, Suite 3700 Indianapolis, IN 46204-5137 | | | JAWORSKI, FRANCIS J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3737 | |
| DATE MAILED: 12/01/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/082,703 | FURIA |

| | | |
|---------------------|----------|--|
| Examiner | Art Unit | |
| Jaworski Francis J. | 3737 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 September 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1 - 96 is/are pending in the application.
 4a) Of the above claim(s) 18-36 and 46-96 is/are withdrawn from consideration.
 5) Claim(s) 1-17 is/are allowed.
 6) Claim(s) 37-43 and 45 is/are rejected.
 7) Claim(s) 44 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37 – 43 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al (US4883059) in view of Kopp et al(US4108165), further in view of Park et al (US5924992).

Stedman et al teaches a needle guide device 10 for an ultrasound probe 12 which device includes a base body 34 having means 22, 24 for attaching to the probe and an elongated guide hole for a needle 13, the guide 10 being made of two removably connectable parts in the form of base 34 with slot 26 defined by shoulders 36 and cover 30 removable via curved lips 32 such that cover 30 together with slot 26 form complementary parts of a delimiting wall of the guide hole (see Fig. 7 end view) which when connected form a 360 degree covering wall over substantially the entire guide hole length. It would have been obvious in view of Kopp et al to form the guide from generally symmetrical wall elements since from col. 3 lines 8-27 it was known to modify such a guidewall to be of complementary mating parts either alone or via an inner conforming lines since this overall conforms more closely to the cross-section of the needle and improves its confinement.

With respect to claims 37-39, the Stedman et al probe¹² includes an ultrasound scanhead with rounded tip 14 and an endo-cavitary intra-vaginal tapered body 16 on which the needle guide rests at a few partial end portions 22, 24 along its own tapered length as per Fig. 2. Hence the combination of needle guide and probe is also anticipated, in consideration with the device locking and wall delineation features as discussed above for example wrt claim 1. Whereas the references are silent as to complementary shape mating extensions, it would have been obvious in view of the latter elements 4 – 5 to provide such complementary mating extensions in order to quickly align and snap-fit the biopsy attachment device onto the probe proper.

With respect to claim 43, forward attachment collar 22 is characterizable as an engagement means for holding the needle guide base against the probe, and the guide is removably secured by rear clamp collar 24.

With respect to claim 45, since the claim recites 'at least one elongated guide hole', in the singular case of only one such hole and needle the end-portion claim recitation of 'any other needles passing through guide holes...' becomes non-limiting and Stedman et al col. 1 lines 4-30 announcing in effect that the invention is in the field of devices wherein the needle extending from the guide is viewable by the ultrasound scan suffices to anticipate this aiming feature.

Allowable Subject Matter

Claims 1 – 17 are allowed.

Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.



Francis J. Jaworski
Primary Examiner